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FM AMEMBASSY TOKYO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 3354
INFO RUEHXP/ALL NATO POST COLLECTIVE PRIORITY
RUEHBJ/AMEMBASSY BEIJING PRIORITY 2760
RUEHDL/AMEMBASSY DUBLIN PRIORITY 0132
RUEHMO/AMEMBASSY MOSCOW PRIORITY 2216
RUEHNY/AMEMBASSY OSLO PRIORITY 1183
RUEHUL/AMEMBASSY SEOUL PRIORITY 8784
RUEHFK/AMCONSUL FUKUOKA PRIORITY 7213
RUEHNH/AMCONSUL NAHA PRIORITY 9590
RUEHOK/AMCONSUL OSAKA KOBE PRIORITY 0882
RUEHKSO/AMCONSUL SAPPORO PRIORITY 7806
RUEHGV/USMISSION GENEVA PRIORITY 3289
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
RUEHNO/USMISSION USNATO BRUSSELS PRIORITY
RHMFISS/USFJ PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
RHEHAAA/NSC WASHDC PRIORITY
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RHMFISS/COMUSKOREA SEOUL KOR PRIORITY
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SUBJECT: EMBASSY AND USFJ DISCUSS OPERATIONAL IMPACT OF
BANNING CLUSTER MUNITIONS

Classified By: Charge d' Affairs, a.i. W. Michael Meserve. Reasons 1.4
(B) (D)

¶1. (S) SUMMARY: Japan remains committed to addressing cluster munitions (CM) within the Convention on Certain Conventional Weapons (CCW) but may be forced to sign an agreement restricting CM under the Oslo Process, Ministry of Foreign Affairs (MOFA) and Ministry of Defense (MOD) officials told Embassy Tokyo and U.S. Forces Japan (USFJ) representatives during an April 4 meeting. Embassy and USFJ participants explained that if Japan agrees to restrict CM, it would limit the United States ability to defend Japan. Specifically, CM limitations would prevent dual use of USFJ, Japan Self Defense Forces (JSDF) and civilian facilities, limit military options for dealing with contingencies, and require both the United States and Japan to use more resources to get the same operational results. The MOFA and MOD participants said the information would be useful in explaining to members of Japan's Diet the importance of cluster munitions. End Summary.

Japan's Position Unchanged: Handle CM in CCW, But...

¶2. (S) Japan remains committed to creating a legally binding agreement on cluster munitions (CM) within the Convention on Certain Conventional Weapons (CCW), preferably via a new Protocol, but may be forced to sign a more restrictive Oslo Process agreement, MOFA Conventional Arms Division Director Ryuichi Hirano and MOD Japan-U.S. Cooperation Division Director Kiyoshi Serizawa told Embassy Tokyo and U.S. Forces Japan (USFJ) representatives on April 4. While domestic pressure means Japan cannot ignore the Oslo Process, Japan is keeping in close contact with "Like-Minded" countries, such as the United Kingdom, France and Australia, to positively affect the outcome. Hirano noted that Japan had "subscribed" but not agreed to the Wellington Declaration and that the May 2008 Dublin Conference would address Japan's concerns over

definitions, implementation time period, and interoperability.

USFJ: CM Are Different from Anti-Personnel Mines

¶3. (S) The MOD and MOFA representatives asked how restricting or banning CM would affect the ability of U.S. forces to defend Japan and operate with the JSDF. The USFJ representative said applying the present work-around for anti-personnel landmines (APL) covered by the Ottawa APL Treaty Process would be inappropriate because CM have much broader applications in a greater variety of operations. If Japan signs on to an agreement limiting or banning CM with the same language as the APL Treaty, USFJ will only be able to store CM at a limited number of USFJ bases. In addition, JSDF personnel or civilians would not be able to transport CM between or store CM at JSDF or civilian facilities.

Banning CM Means Limiting Ability to Defend Japan

¶4. (S) USFJ reviewed the training and operations difficulties both sides might face if CM were to be banned or restricted. The inability of USFJ to conduct training along side the JSDF using CM, as currently happens under the existing restrictions on training with APL, means the capabilities of JSDF and United States forces are reduced, as opposed to being improved. In a contingency, United States warplane squadrons would not be able to relocate to JSDF or civilian airports (for instance to make room for increased military transport planes) because the CM would not be able to be stored, guarded and loaded by JSDF and/or Japanese civilians. Japan would be unable to participate, either directly or by providing support such as in-air refueling, in operations in the region involving the employment of CM.

¶5. (S) Limiting CM storage to particular locations would provide the enemy with specific targets to attack. Enemies could be emboldened to launch attacks on Japan's outer islands if they know that CM could not be used to attack amphibious landing craft and ground troops on beaches. Without CM, Japan and the United States will have to dedicate more budgetary, human and material resources to accomplish the same results. Restricting or banning CM limits United States options and increases operational risk for both sides.

Rapid Results Needed in CCW

¶6. (S) Hirano said the Government of Japan understands the importance of CM in defending Japan and wants to sign a loose, though binding, protocol under the CCW and not the Oslo Process. Japan also appreciates the affect that the current language contained in the Dublin text would have on interoperability. Ministry officials are explaining the importance of CM to Diet members, and will incorporate the examples provided by USFJ, Hirano noted. However, if the CCW does not provide a quick and satisfactory conclusion, domestic pressure to take action may force Japan to sign a treaty proposed under the Oslo Process. Therefore, Japan is working to change language in the Dublin draft text so that the affect of a limited ban on JSDF and USFJ operations would be minimized. By way of example, Tokyo officials noted that prohibiting States Parties from "owning or possessing" CM, instead of preventing signatories from "retaining" CM, would allow Japanese civilians or SDF personnel to transport CM.

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